



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Melanie D. Davenport, Director
Division of Water Quality Programs
Virginia Department of Environmental Quality
629 East Main Street
P.O. Box 1105
Richmond, Virginia 23218

APR 28 2011

Melanie
Dear Ms. Davenport:

The U.S. Environmental Protection Agency (EPA), Region III, is pleased to approve the Phased Total Maximum Daily Loads (TMDLs) to address the aquatic life use (general standard-benthic) impairments in Phillips Creek, North Fork, and South Fork Pound River located in Wise County, Virginia. The TMDL report was submitted to EPA for review on April 19, 2010. The TMDLs were established and submitted in accordance with Section 303(d)(1)(c) and (2) of the Clean Water Act to address impairments of water quality as identified in Virginia's Section 303(d) lists.

In accordance with Federal regulations at 40 CFR §130.7, a TMDL must comply with the following requirements: (1) be designed to attain and maintain the applicable water quality standards; (2) include a total allowable loading and as appropriate, wasteload allocations for point sources and load allocations for nonpoint sources; (3) consider the impacts of background pollutant contributions; (4) take critical stream conditions into account (the conditions when water quality is most likely to be violated); (5) consider seasonal variations; (6) include a margin of safety (which accounts for uncertainties in the relationship between pollutant loads and instream water quality), and (7) be subject to public participation. The benthic phased TMDLs for Phillips Creek, North Fork and South Fork Pound River satisfy each of these requirements. In addition, the TMDLs consider reasonable assurance that the TMDL allocations assigned to nonpoint sources can be reasonably met. A copy of EPA's Decision Rationale for approval of these TMDLs has been included with this letter.

As you know, all new or revised National Pollutant Discharge Elimination System permits must be consistent with the TMDL wasteload allocations pursuant to 40 CFR §122.44 (d)(1)(vii)(B). Please submit all such permits to EPA for review as per EPA's letter dated October 1, 1998.

If you have any questions please call me, or have your staff contact Greg Voigt, Virginia TMDL Coordinator, at 215-814-5737.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon M. Capacasa", with a large, sweeping flourish extending to the right.

Jon M. Capacasa, Director
Water Protection Division

Enclosure

cc: David Lazarus